

66/10/60

REISSUE LITIGATION

Reissue

LAW OFFICES

YOUNG & BASILE, P.C.

YOUNG, BASILE, HANLON,
MACFARLANE, WOOD & HELMHOLDT, P.C.

PATENTS, TRADEMARKS AND COPYRIGHTS

3001 WEST BIG BEAVER ROAD

SUITE 624

TROY, MICHIGAN 48064-3107

TELEPHONE (248) 649-3333

FACSIMILE (248) 649-3338

September 7, 1999

2001 COMMONWEALTH BLVD.
SUITE 301
ANN ARBOR, MI 48105-1562
TELEPHONE (734) 662-0270
FACSIMILE (734) 662-1014700 HARRIS BUILDING
JACKSON, MI 49201
TELEPHONE (517) 787-4511
FACSIMILE (517) 787-4512
DUNCAN F. BEAMAN, RESIDENT ATTORNEY
TOWNSEND F. BEAMAN (1931-1983)MT. CLEMENS
(810) 469-1141GRAND RAPIDS
(616) 942-2324

* ALSO LICENSED IN MINNESOTA

Attorney's Docket: CBC-122-C

EXPRESS MAIL LABEL NO.:

Box REISSUE APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

EL455529385US

Sir:

Enclosed please find a reissue application for
U.S. Patent No. 5,664,376 as identified below.Inventor: Richard C. Wilson and Patrick M.
Culpepper

Invention: CORNER POST SUPPORT MEMBER

and including: Postcard; Copy of original patent
application with two sheets of drawings; New Claims 5-20; Reissue
Declaration By Inventors with Power Of Attorney; Communication
Regarding Litigation; Verified Statement Claiming Small Entity
Status; Offer To Surrender (37 C.F.R. 1.178); Consent of Assignee
to Reissue; and Request For Transfer Of Drawings From Original
Patent To Reissue Application.☒ A check in the amount of: \$458.00☒ Please charge any deficiency or credit any excess in the
enclosed fees to Deposit Account Number 25-0115.Very truly yours,
YOUNG & BASILE, P.C.*Darlene P. Condra*
Darlene P. CondraDPC/cmp
EnclosuresJC549 U.S. PRO
09/391294
09/07/99

66/10/60

Applicant or Patentee: Richard C. Wilson and Patrick M. CulpepperSerial or Patent No: Reissue of 5,664,376Attorney's Docket No.: CBC-122-C

Filed or Issued: _____

Title: CORNER POST SUPPORT MEMBER

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: ABCO, Inc. d/b/a Progressive Foam ProductsADDRESS OF SMALL BUSINESS CONCERN: 6753 Chestnut Ridge RoadBeach City, Ohio 44608

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CORNER POST SUPPORT MEMBER by inventor(s) Richard C. Wilson and Patrick M. Culpepper described in:

- ☒ the specification filed herewith.
- ☐ application serial no. _____, filed _____.
- ☐ patent no. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9 (c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d), or a nonprofit organization under 37 CFR 1.9 (e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

654060"45275550

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Patrick M. Culpepper

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 6753 Chestnut Ridge Road, Beach City, Ohio 44608

SIGNATURE Patrick M. Culpepper DATE July 20, 1998

664060"46276660

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reissue of: 5,664,376
Applicants: Richard C. Wilson and
Patrick M. Culpepper
Serial Number: Unknown
Filing Date: Concurrently herewith
Examiner/Art Group Unit: Unknown/Unknown
Title: CORNER POST SUPPORT MEMBER

COMMUNICATION REGARDING LITIGATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The applicant wishes to advise the Patent and Trademark Office that United States Patent No. 5,664,376 is involved in a litigation. Litigation information which is material to the patentability of the claims under consideration in the subject reissue will be sent shortly under separate cover. The applicant desires that the subject reissue application be examined immediately.

Respectfully submitted,

YOUNG & BASILE, P.C.

Darlene P. Condra

Darlene P. Condra
Attorney for Applicant(s)
Registration No. 37113
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: September 7, 1999
DPC/cmp

662060" 46216560

Attorney's Docket No. CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reissue of: 5,664,376

Applicants: Richard C. Wilson and
Patrick M. Culpepper

Serial Number: Unknown

Filing Date: Concurrently herewith

Examiner/Art Group Unit: Unknown/Unknown

Title: CORNER POST SUPPORT MEMBER

REISSUE APPLICATION BY THE INVENTOR,
OFFER TO SURRENDER (37 C.F.R. 1.178)

Assistant Commissioner for Patents
Washington, DC 20231

The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in CORNER POST SUPPORT MEMBER

Patent number 5,664,376 granted to him/her on September 9, 1997, of which

☒ ABCO, Inc. d/b/a Progressive Foam Products is now sole owner by assignment, and on whose behalf and with those assent the accompanying application is made,

hereby offers to surrender said letters patent.

July 20, 1999
Date

Patrick M. Culpepper
Signature(s)
Patrick M. Culpepper
(type or print names(s))

66/060-462650

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

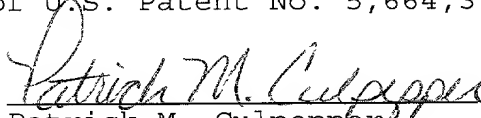
In the Reissue of: 5,664,376
Applicants: Richard C. Wilson and
Patrick M. Culpepper
Serial Number: Unknown
Filing Date: Concurrently herewith
Examiner/Art Group Unit: Unknown/Unknown
Title: CORNER POST SUPPORT MEMBER

CONSENT OF ASSIGNEE TO REISSUE

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

ABCO, Inc. d/b/a Progressive Foam Products,
owner of the entire right, title and interest in and to
U.S. Patent No. 5,644,376 as reflected in the Assignment
recorded on December 7, 1994 at Reel 7315/Frame 385 in
accordance with the provisions of 37 CFR §1.172 hereby
consents to the reissue of U.S. Patent No. 5,664,376.


Patrick M. Culpepper

Its President

Dated July 20, 1998

662060-45216650

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reissue of: 5,664,376
Applicants: Richard C. Wilson and
Patrick M. Culpepper
Serial Number: Unknown
Filing Date: Concurrently herewith
Examiner/Art Group Unit: Unknown/Unknown
Title: CORNER POST SUPPORT MEMBER

REQUEST FOR TRANSFER OF DRAWINGS FROM
ORIGINAL PATENT TO REISSUE APPLICATION


Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Please transfer the drawing from original patent, 5,664,376 filed on April 29, 1996, for the invention entitled Corner Post Support Member to the reissue application, the specification of which is attached hereto.

Respectfully submitted,

YOUNG & BASILE, P.C.


Darlene P. Condra
Attorney for Applicant(s)
Registration No. 37113
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: September 7, 1999
DPC/llw/slc/cmp

09041660

United States Patent [19]
Wilson et al.

[11] **Patent Number:** **5,664,376**
 [45] **Date of Patent:** ***Sep. 9, 1997**

[54] **CORNER POST SUPPORT MEMBER**

[75] **Inventors:** Richard C. Wilson, West Bloomfield,
 Mich.; Patrick M. Culpepper, Dover,
 Ohio

[73] **Assignee:** Abco, Inc., New Philadelphia, Ohio

[*] **Notice:** The term of this patent shall not extend
 beyond the expiration date of Pat. No.
 5,542,222.

[21] **Appl. No.:** 639,698

[22] **Filed:** Apr. 29, 1996

Related U.S. Application Data

[63] **Continuation of Ser. No. 355,471, Dec. 14, 1994, Pat. No.**
 5,542,222.

[51] **Int. CL⁶** E04B 2/00

[52] **U.S. Cl.** 52/287.1; 52/288.1; 52/716.1

[58] **Field of Search** 52/288.1, 309.9,
 52/287.1, 276, 309.8, 716.1, 718.01

[56] **References Cited**

U.S. PATENT DOCUMENTS

274,947	7/1883	Culpepper et al.	.....	D52/73
2,091,316	8/1937	Hack	.....	20/4
2,373,789	4/1945	Smith	.....	20/4
3,500,600	3/1970	Bagley, Sr.	.....	52/211
3,525,188	8/1970	Turbett	.....	52/288
3,826,054	7/1974	Culpepper et al.	.....	52/309
3,828,499	8/1974	Loddy	.....	52/278
4,033,802	7/1977	Culpepper et al.	.....	156/71
4,081,939	4/1978	Culpepper et al.	.....	52/535
4,189,885	2/1980	Fritz	.....	52/287
4,319,439	3/1982	Gussow	.....	52/288
4,506,486	3/1985	Culpepper et al.	.....	52/529
4,827,683	5/1989	Poole	.....	52/287.1 X
4,949,520	8/1990	Bear	.....	52/281.1
5,090,174	2/1992	Frigale	.....	52/309.9

FOREIGN PATENT DOCUMENTS

1354483 5/1974 United Kingdom.

Primary Examiner—Kien T. Nguyen
Attorney, Agent, or Firm—Young & Basile, P.C.

0591294-1621650

CORNER POST SUPPORT MEMBER

This application is a continuation of application Ser. No. 08/355,471, filed on Dec. 14, 1994 now U.S. Pat. No. 5,542,222.

FIELD OF THE INVENTION

The present invention relates broadly to composite non-structural siding corner posts and more particularly, to a support member formed of a suitable material, such as polystyrene foam or the like, and adapted to be disposed between the inner surfaces of a siding corner post and an exterior corner of a building structure.

BACKGROUND OF THE INVENTION

Heretofore, siding corner posts have been constructed of various materials, such as aluminum, steel, wood or vinyl. The conventional siding corner post which is attached directly to the corner of the building lacks structural rigidity and impact resistance. Furthermore, the conventional siding corner post is open through its longitudinally extending center creating ideal locations for insects or birds to build nests.

One commercially available product is a snap-in-place plastic spacer in the form of a reinforcing rib which is inserted within the siding corner post. The spacers do not connect to one another and therefore do not create a system of overall rigidity and impact resistance.

It is also known to use foam inserts in conjunction with conventional siding panels, see for example U.S. Pat. Nos. 4,506,486; 4,033,802; 4,081,939 and U.S. Pat. No. Des. 274,947. U.S. Pat. No. 4,081,939 describes a backer board for siding panels that is used to insulate and provide support to the siding panels. The siding panel backer board is placed between the inner surface of the siding panels and the exterior surface of the building, but are not designed to support the corner post.

Other parts associated with the conventional siding corner posts include channel members, finishings, and corner assemblies, see for example U.S. Pat. Nos. 4,189,885; 4,319,439; 3,828,499; 3,525,188 and 3,500,600. Although the inventions described in these patents involve the siding corner post or area of siding, the disclosures still leave the siding corner post hollow.

Known corner posts for a building can be found in U.S. Pat. Nos. 2,373,789; 2,091,316 and 3,826,054. These patents involve the creation of a solid corner post for building structures, and do not deal with the aforementioned problems of conventional siding and, in particular, the siding corner post.

As aforementioned, the known corner structure provides no longitudinally continuous system of support for a conventional siding corner post. The siding corner post which is left hollow lacks structural rigidity and support, is easily damaged, warped and twisted, and presents an ideal location for birds and insects to build nests.

SUMMARY OF THE INVENTION

The present invention, which will be discussed in greater detail hereinafter, includes a support member adapted for use in conjunction with a corner post for conventional siding wherein the support member is formed integrally with two portions which merge angularly to compliment the interior of the siding corner post and extend longitudinally the length of that corner post, filling the space between the siding

09391294-000799
162060-457660

corner post and the exterior wall of a building. The support member creates a system of continuous support for the siding corner post as well as improving impact resistance and rigidity. The support member also deters birds and insects from nesting in the siding corner piece. This embodiment is ideal when used in new construction.

In a preferred embodiment, it is desirable to provide a support member for siding corner posts wherein the support member is fabricated from an insulating material in the nature of a polystyrene foam plastic or the like.

It is further desirable in the present invention to provide a support member of the type described which has flanges that extend from the corner post base and abut the backer boards for the siding panels. The siding corner post which is attached to the exterior of the building, allows the siding panels to fit into the corner post such that the support member flange supports both the siding panel and the corner post flange until it meets the siding panel backer board. Similarly, the support member flanges are suitable to abut sheets of underlayment that are placed in sheets beneath conventional siding.

It is further desirable in this invention to provide a support member for siding corner posts which is simple in its construction and inexpensive to manufacture.

Further objects, advantages, and applications of the present invention will become apparent to those skilled in the art when the accompanying description of several examples of the best modes contemplated for practicing the invention is read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

The description herein makes reference to the accompanying drawings wherein like reference numerals refer to like parts throughout the several views, and wherein:

FIG. 1 is a cross-sectional view taken as shown in FIG. 3 of the siding corner post having a corner support member adjacent to the siding panel and corresponding siding backer board;

FIG. 2 is a cross-sectional view taken of the siding corner post having corner support member in new construction;

FIG. 3 is a fragmentary perspective view of the siding corner post having a support member constructed in accordance with the principles of the present invention; and

FIG. 4 is a fragmentary perspective view of the siding panel having a backer board for the purposes of illustrating inserts used for conventional siding panels.

DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now to the drawings, and in particular to FIG. 1, wherein there is illustrated one example of the present invention in the form of a support member 10 located against the inside surface 12 of a conventional siding corner post 14. The conventional siding corner post 14 is fabricated from a sheet of material, such as aluminum, steel, or vinyl. If desired, the material siding may be coated with a protective finish, such as baked enamel. The siding corner post 14 includes two siding walls 16 and 18 that converge angularly at the exterior corner of the building 20, leaving a triangular gap between the siding corner post 14 and the exterior wall surface 22 of the building 20, in which the corner support member 10 is inserted. The base 24 of the siding corner post 14 is recessed between a lip 26 and a flange 28 to form a pocket 27 so that the siding panel 30 can fit securely within

09391294-050799

the siding corner post pocket 27 giving an attractive finished appearance by hiding the cut end of the Siding panel beneath the lip 26. The building corner 20 is illustrated as an outside corner, however, it should be understood that the present invention is equally applicable to inside building corner construction.

As seen in FIG. 3, the flange 28 extends from the siding corner post pocket 27 and has nailing slots 32 spaced longitudinally along the siding corner post 14. The apertures 32 provide means for securing the siding corner post 14 against the building structure 20 with fastener 34, such as a nail.

Referring back to FIG. 1, the corner support member 10 has two elongated portions 36 and 38 angularly disposed with respect to one another to conform to the shape of the siding corner post 14. The portions 36 and 38 extend longitudinally through the siding corner post 14. The corner support member 10 is conformed in shape such that it fits securely in the gap between the inner surface 12 of the siding corner post 14 and the exterior wall 22 of the building 20. Therefore, it is preferred that the inner surface 12 of the siding corner post 14 abuts against the externally facing surface 40 of the corner support member 10, and inner surface 42 of the corner support member 10 abuts against the exterior wall 22 of the building structure 20.

FIG. 2 illustrates the siding corner post 14 interlocking with the siding panels 30 in new construction wherein the siding panels 30 attach directly to the oriented strand board 54 or other surface such as the exterior wall 22. The corner support member 10 fills the siding corner post 14 to provide continuous structural rigidity and support. The support member 10, as shown in FIG. 2, does not provide flanges so that the siding corner post flanges 28 attach directly to the oriented strand board 54 or the exterior wall 22, as desired.

In the preferred embodiment, (FIG. 1), the corner support member 10 has two flanges 44 and 46 extending outwardly from the support member portions 36 and 38 at the base 24 of the siding corner post 14. The flanges 44 and 46 conform to the shape of the space between the inner surface of the corner post flange 48 and the exterior wall 22, and extend longitudinally along the siding corner post 14.

In the preferred embodiment, the flanges 44 and 46 extend past the siding corner post flange 28 so that the support member flanges 44 and 46 are in such a position as to abut a siding backer board 50. (The numeral 50 will also designate where a sheet of underlayment is used in place of a siding backer board) This provides a snug fit of the corner piece support member 10 and the siding panel backer board 50 for improved insulation characteristics and an overall rigid condition in the siding system, 14 and 30, that covers the building 20. The siding panel backer board is disclosed in U.S. Pat. Nos. 4,033,802; 4,081,939; 4,506,456; and U.S. Pat. No. Des. 274,947, which are incorporated by reference herein.

The siding panel backer board or underlayment 50 is placed between the inner surface 52 of the siding panels 30

and the exterior wall surface 22 of the building 20 and functions to insulate and provide support to the siding panels 30. Similarly, the preferred embodiment also includes a siding arrangement where a sheet or underlayment is
 5 attached to the exterior wall, and used in lieu of siding panel backer boards.

While the invention has been described in connection with what is presently considered to be the most practical and preferred embodiment, it is to be understood that the
 10 invention is not to be limited to the disclosed embodiments but, on the contrary, is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims, which scope is to be
 15 accorded the broadest interpretation so as to encompass all such modifications and equivalent structures as is permitted under the law.

What is claimed is:

1. A support member for a corner post made of thin sheet
 20 material and used to enclose the corner of an external wall of a building, the corner post being spaced from the external wall to define a longitudinally extending hollow space therebetween, said support member comprising:
 - 25 a single member having first and second longitudinally extending portions, the first portion lying in a first plane angularly disposed with respect to the second portion lying in a second plane, wherein said first and second longitudinally extending portions have lengths corresponding to the length of the corner of the building and wherein said single member defines a cornered inner
 30 surface for contacting the building and a spaced apart cornered outer surface for contacting the corner post;
 - a first support member flange extending outwardly from said first portion a predetermined distance and extending continuously along the entire length of said first portion and from said inner surface radially outwardly; and
 - a second support member flange extending outwardly
 40 from said second portion a predetermined distance and extending continuously along the entire length of said second portion, wherein said first and second support member flanges extend from said inner surface radially outwardly.
2. The support member of claim 1 wherein said:
 45 support member is fabricated from a material having insulating qualities.
3. The support member of claim 2 wherein said material is selected from the group consisting of expanded, extruded
 50 or molded polystyrene foam plastic.
4. The support member of claim 1 wherein
 the support member has a length and thickness corresponding to and for filling the hollow space between the corner post and the external wall of the building
 55 along the entire length of the corner of the building.

652060-4621660

5. A support member for a corner post made of thin sheet material and used to enclose the corner of an external wall of a building, the corner post being spaced from the external wall to define a longitudinally extending hollow space therebetween, said support member comprising:

a member having first and second longitudinally extending portions, the first portion lying in the first plane angularly disposed with respect to the second portion lying in a second plane, wherein said first and second longitudinally extending portions have lengths corresponding to the length of the corner of the building and wherein said member defines a cornered inner surface for contacting the building and a spaced apart cornered outer surface for contacting the corner post;

a first support member flange extending outwardly from said first portion a predetermined distance and extending continuously along the entire length of said first portion and from said inner surface radially outwardly; and

a second support member flange extending outwardly from said second portion a predetermined distance and extending continuously along the entire length of said second portion, wherein said first and second support member flanges extend from said inner surface radially outwardly.

6. The support member of claim 5 wherein said support member is fabricated from a material having insulating qualities.

7. The support member of claim 6 wherein said material is selected from the group consisting of expanded, extruded or molded polystyrene foam plastic.

8. The support member of claim 5 wherein the support member has a length and thickness corresponding

3 to and for filling the hollow space between the corner
4 post and the external wall of the building along the
5 entire length of the corner of the building.

1 9. A support member for a corner post made of
2 thin sheet material and used to enclose the corner of an
3 external wall of a building, the corner post being spaced
4 from the external wall to define a longitudinally
5 extending hollow space therebetween, said support member
6 comprising:

7 a single member having first and second
8 longitudinally extending portions, the first portion
9 lying in a first plane angularly disposed with respect to
10 the second portion lying in a second plane, and wherein
11 said single member defines a cornered inner surface for
12 contacting the building and a spaced apart cornered outer
13 surface for contacting the corner post;

14 a first support member flange extending
15 outwardly from said first portion a predetermined
16 distance and extending continuously along the entire
17 length of said first portion and from said inner surface
18 radially outwardly; and

19 a second support member flange extending
20 outwardly from said second portion a predetermined
21 distance and extending continuously along the entire
22 length of said second portion, wherein said first and
23 second support member flanges extend from said inner
24 surface radially outwardly.

1 10. The support member of claim 9 wherein said
2 support member is fabricated from a material having
3 insulating qualities.

1 11. The support member of claim 10 wherein
2 said material is selected from the group consisting of
3 expanded, extruded or molded polystyrene foam plastic.

12. The support member of claim 9 wherein the support member has a length and thickness corresponding to and for filling the hollow space between the corner post and the external wall of the building along the entire length of the corner of the building.

✓13. A support member for a corner post made of thin sheet material and used to enclose the corner of an external wall of a building, the corner post being spaced from the external wall to define a longitudinally extending hollow space therebetween, said support member comprising:

a member having first and second longitudinally extending portions, the first portion lying in a first plane angularly disposed with respect to the second portion lying in a second plane and wherein said member defines a cornered inner surface for contacting the building and a spaced apart cornered outer surface for contacting the corner post;

a first support member flange extending outwardly from said first portion a predetermined distance and extending continuously along the entire length of said first portion and from said inner surface radially outwardly; and

a second support member flange extending outwardly from said second portion a predetermined distance and extending continuously along the entire length of said second portion, wherein said first and second support member flanges extend from said inner surface radially outwardly.

14. The support member of claim 13 wherein said support member is fabricated from a material having insulating qualities.

15. The support member of claim 14 wherein
said material is selected from the group consisting of
expanded, extruded or molded polystyrene foam plastic.

[illegible]

1 16. The support member of claim 13 wherein
 2 the support member has a length and thickness
 3 corresponding to and for filling the hollow space between
 4 the corner post and the external wall of the building
 5 along the entire length of the corner of the building.

1 /17. A support member for a corner post made of
 2 thin sheet material and used to enclose the corner of an
 3 external wall of a rigid structure, the corner post being
 4 spaced from the external wall to define a longitudinally
 5 extending hollow space therebetween, said support member
 6 comprising:

7 a member having first and second longitudinally
 8 extending portions, the first portion lying in a first
 9 plane angularly disposed with respect to the second
 10 portion lying a second plane and wherein said single
 11 member defines a cornered inner surface for contacting
 12 the rigid structure and a spaced apart cornered outer
 13 surface for contacting the corner post;

14 a first support member flange extending
 15 outwardly from said first portion a predetermined
 16 distance and extending continuously along the entire
 17 length of said first portion and from said inner surface
 18 radially outwardly; and

19 a second support member flange extending
 20 outwardly from said second portio a predetermined
 21 distance and extending continuously along the entire
 22 length of said second portion, wherein said first and
 23 second support member flanges extend from said inner
 24 surface radially outwardly.

1 18. The support member of claim 17 wherein
 2 said support member is fabricated from a material having
 3 insulating qualities.

1 19. The support member of claim 18 wherein
 2 said material is selected from the group consisting of
 3 expanded, extruded or molded polystyrene foam plastic.

1 20. The support member of claim 17 wherein the
2 support member has a length and thickness corresponding
3 to and for filling the hollow space between the corner
4 post and the external wall of the rigid structure along
5 the entire length of the corner of the rigid structure.

[57]

ABSTRACT

A support member for a siding corner post which is spaced from the outer corner of a building to form a longitudinally extending hollow space within which the support member is located.

0934-0323

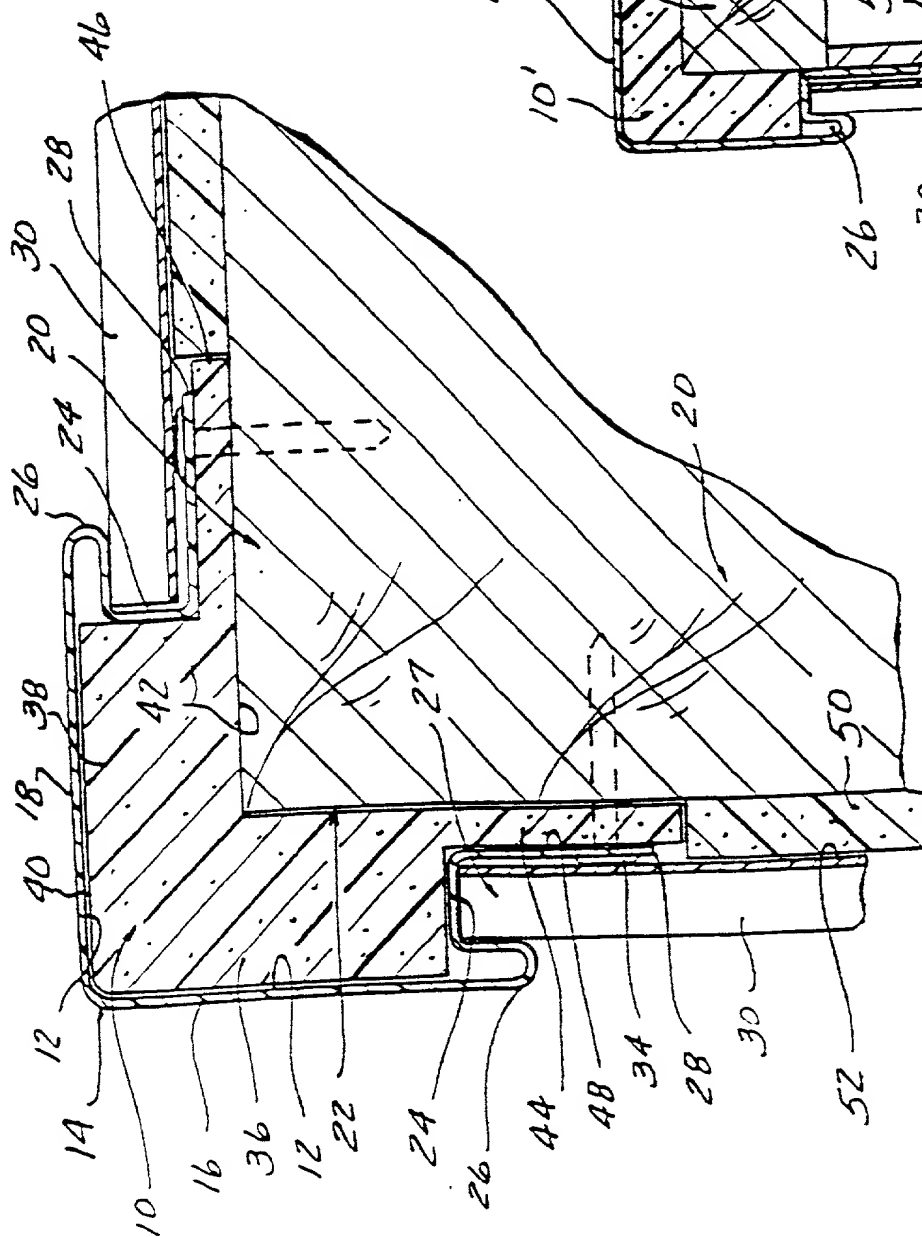


FIG-1

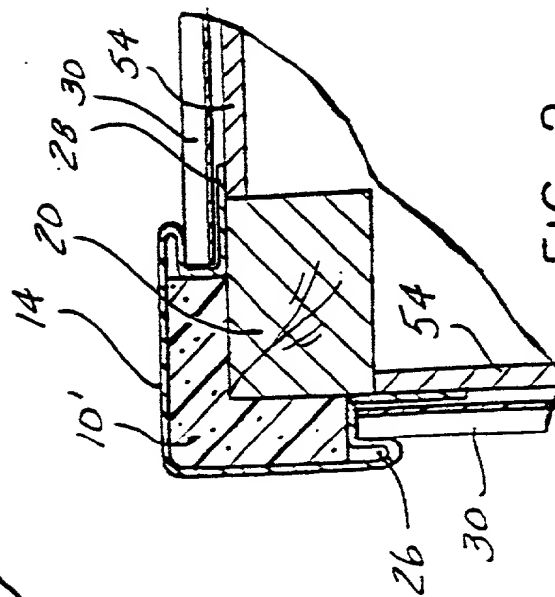


FIG-2

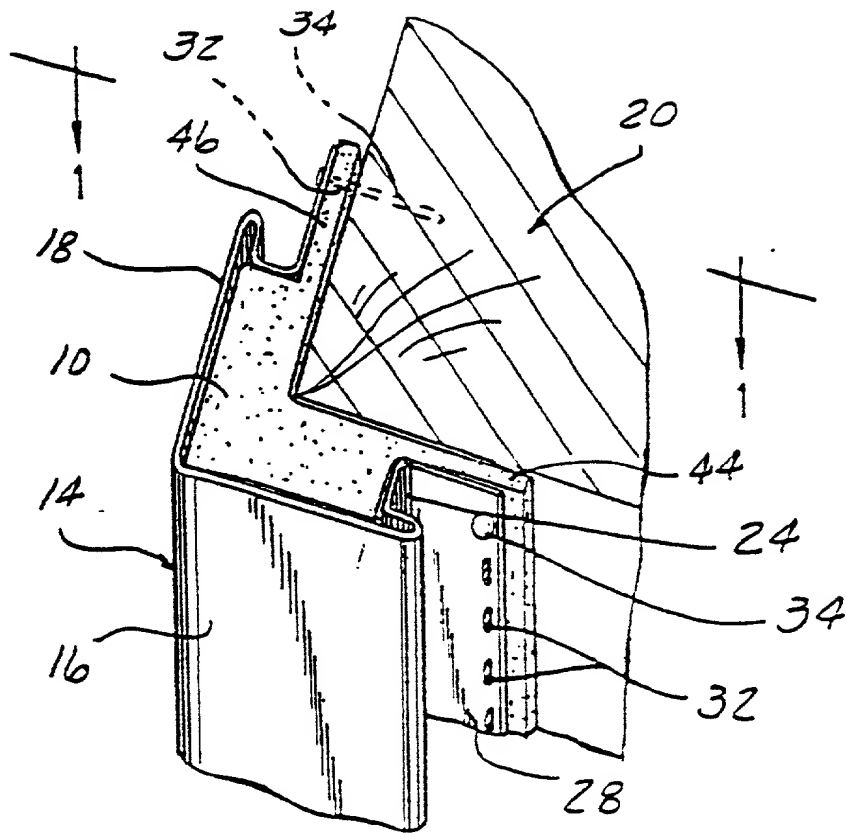


FIG - 3

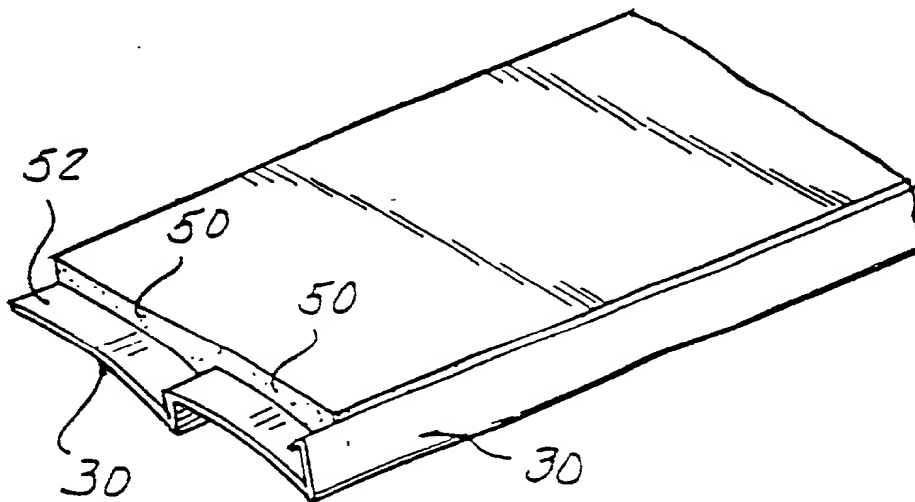


FIG - 4

Our Reference: CBC-122-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reissue of: 5,664,376
Applicants: Richard C. Wilson and
Patrick M. Culpepper
Serial Number: Unknown
Filing Date: Concurrently herewith
Examiner/Art Group Unit: Unknown/Unknown
Title: CORNER POST SUPPORT MEMBER

REISSUE APPLICATION DECLARATION BY THE INVENTORS

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

We, Richard C. Wilson and Patrick M. Culpepper, declare that we are citizens of the United States Of America and are the named inventors of U.S. Patent No. 5,542,222 and of the foregoing specification, for which invention we solicit a reissue patent. We believe that our patent is partly inoperative or invalid for the reason that we claimed less than we had a right to claim in the patent. Further, we believe that our patent is partly inoperative or invalid for the reason that claim 1 contains vague terminology that does not clearly point out and distinctly claim the subject matter which we regard as our invention according to 35 U.S.C. §112. Specifically, the claim language of claim 1 that the support member is "a single member having a length... corresponding to the length of the corner of the building" is vague, may be misleading, and could be misconstrued or interpreted that the invention requires a single member that extends the full length of the corner of the building where multiple pieces can act as a full equivalent.

The error is believed to have occurred on or before December 2, 1996 in the first amendment to the

052050-4621550

552060-4621550

application for Letter Patent 5,664,376. We believe that the error occurred because we and our attorney did not appreciate or realize the possible misinterpretation of the wording of the claim when constructing the amended claim 1. Although the phrase "a single member" was used before the December 2, 1996 date, and was actually used in the amendment dated November 14, 1995 of the parent case (Letter Patent 5,542,222), we believe that the combination of the phrases "a single member" and "...have lengths corresponding to the length of the corner of the building" in claim 1 unduly restricts the scope of our broad claim 1 by possible interpretation that a single member extends the length of the corner of the building. This combination of the phrases was placed in the broad claim 1 in the amendment dated December 2, 1996.

The errors arose without any deceptive intention on the part of the Applicant or his attorneys. The error sought to be corrected by this application for reissue patent is to correct the vague and ambiguous language in the claims of the patent, which we believe includes unnecessary limitations which unduly restrict the scope of claims 1-4. Specifically, claim 1 recite a limitation which is unessential to the patentability of claim 1 and which is unessential to the clearly pointing out and distinctly claiming requirements of 35 U.S.C. §112. It is believed to be immaterial that a single member has a length corresponding to the length of the corner of the building. New independent claim 5 eliminates the term "single" before "member" from claim 1 of Letter Patent 5,664,376. New claims 6-8 are copies of original claims 2-4 and are dependent on claim 5. New independent claim 9 eliminates the phrase "wherein said first and second longitudinally extending portions have lengths corresponding to the length of the corner of the building" from claim 1 of Letter Patent 5,664,376. New claims 10-12 are copies of original claims 2-4 and are dependent on claim 9. New independent claim 13

eliminates both the term "single" and the aforementioned phrase from claim 1 of Letter Patent 5,664,376. New claims 14-16 are copies of original claims 2-4 and are dependent on claim 13. New independent claim 17 includes the changes in claim 13 and further eliminates the term "building" and replaces it with "--rigid structure--". New claims 18-20 are copies of original claims 2-4 and are dependent on claim 17.

The Examiner saw what was intended, when he correctly states what was meant by the amendment of December 2, 1996 and the argument in his Reason for Allowance dated February 28, 1997:

"...no prior art of record, alone or in combination, teaches or fairly suggests a support member having first and second support flanges extending outwardly from first and second portions of a single member, respectively, the first and second flanges extend continuously along the entire length of the first and second portions."

From this quote, it is evident that the Examiner attached no importance whatsoever to the proposition that the invention requires "a single member" to extend the full length of the corner of the building. Rather, the Examiner understood the importance of having flanges which are continuous so that when the support structure is applied, whether as a single seamless piece or made up of several pieces, the corner support and the flanges are substantially continuous. Therefore, the added claims correct the language of the original claims to conform to the Examiner's stated conclusion regarding what is patentable.

We declare that all statements are made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code,

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

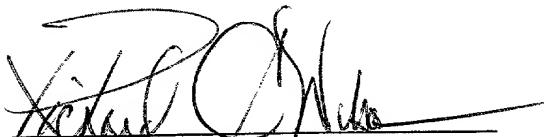
POWER OF ATTORNEY

We hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Thomas N. Young, Registration No. 20985
Andrew R. Basile, Registration No. 24753
William M. Hanlon, Jr., Registration No. 28422
Donald L. Wood, Registration No. 20014
Thomas D. Helmholdt, Registration No. 33181
Denise M. Glassmeyer, Registration No. 31831
Julia C. Dierker, Registration No. 33368
Darlene P. Condra, Registration No. 37113
Gary A. Smith, Registration No. 39376
Christian J. Garascia, Registration No. 39986

Assignee requests that all communication and correspondence be directed to:

Andrew R. Basile
YOUNG & BASILE, P.C.
3001 West Big Beaver Road, Suite 624
Troy, MI 48084-3107


Richard C. Wilson


Patrick M. Culpepper

Date: 8/16/99

Date: August 16, 1999

ASSIGNEE: ABCO, Inc. d/b/a Progressive Foam Products
6753 Chestnut Ridge Road
Beach City, Ohio 44608

By: 
Patrick M. Culpepper
Its President

Dated August 16, 1999

Assignment recorded in the U.S. Patent and Trademark Office on December 7, 1994 on Reel 7315/Frame 385.